



YURI YAPORT  
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In re Application of  
Yuri Yaport et al.  
Application No. 09/865,904  
Filed: May 24, 2001  
Title of Invention: METHOD AND SYSTEM  
FOR PARALLEL DATA TRANSMISSION ON  
DEMAND TO AN UNLIMITED NUMBER OF  
CLIENTS WITHOUT ACKNOWLEDGMENT  
AND ON THE BASIS OF CONSTANT DATA  
AVAILABILITY

OFFICE OF PETITIONS  
DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 21, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on October 31, 2005, for failure to pay the issue fee in response to the Notice of Allowance mailed July 28, 2005 and which set a three (3) month period for reply. Accordingly, a Notice of Abandonment was mailed December 8, 2005. A petition filed December 21, 2005 under 37 CFR 1.137(a)<sup>1</sup> was

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<sup>1</sup> A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by:

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
- (2) the petition fee as set forth in § 1.17(l);
- (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and
- (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (c) of this section.

dismissed in a decision mailed January 12, 2006 because the showing of record was inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a).

Comes now petitioner with the instant petition under the unintentional standard. However, the decision on petition misquoted the amount of fees due. Effective December 8, 2004, the fees for a petition under 37 CFR 1.137(b) were set at \$750.00 for a small entity and \$1500.00 for a large entity. The fees in the amount of \$740.00 submitted with the instant petition are therefore insufficient. An additional \$10.00 should be submitted with a renewed petition for revival. Petitioner should also, prior to submission, check the Code of Federal Regulations to ensure that no additional increases have been implemented.

Further correspondence with respect to this matter should be addressed as follows:

By mail:        Mail Stop Petitions  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria VA 22313-1450

By FAX:        (571) 273-8300  
                  Attn: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions